



**Mayor**

Ben White

**Mayor ProTem**

Lynn McIlhaney

**City Manager**

Glenn Brown

**Councilmembers**

John Crompton

James Massey

Dennis Maloney

Lawrence Stewart

David Ruesink

**Agenda**

**College Station City Council**

**Workshop Meeting**

**Thursday, July 10, 2008 3:00 p.m.**

**City Hall Council Chambers, 1101 Texas Avenue**

**College Station, Texas**

1. Presentation, possible action, and discussion on items listed on the consent agenda.
2. Presentation, possible action, and discussion regarding a joint meeting of the P&Z Commission and City Council on a briefing on the progress of Phase II of the Comprehensive Plan Update.
3. Presentation, possible action, and discussion on the history of Wolf Pen Creek Corridor and the balance between commercial and residential development within the Corridor.
4. Presentation, possible action and discussion of an ordinance calling a bond election on November 4, 2008.
5. Presentation, possible action and discussion of City Charter Amendments for November 4, 2008 ballot.
6. Presentation, possible action, and discussion regarding the creation of a Bicycle, Pedestrian and Greenway Master Plan (BPGMP) including formation of an advisory committee.
7. Council Calendar
  - July 15 Council Transportation Committee Meeting 4:30 p.m.
  - July 15 CPAC Meeting at CS Conference Center 6:00 p.m.
  - July 19 Hispanic Forum Scholarship Gala 6:00 p.m.
  - July 21 IGC Meeting at BVCOG 12:00p.m.
  - July 24 Council Workshop/Regular Meeting 3:00 p.m. & 7:00 p.m.
8. Presentation, possible action, and discussion on future agenda items: A Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
9. Discussion, review and possible action regarding the following meetings: Arts Council of the Brazos Valley, Audit Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, Cemetery Committee, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Library Committee, Metropolitan Planning Organization, National League of Cities, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning

*Traditional Values, Progressive Thinking  
In the Research Valley*

Commission, Sister City Association, TAMU Student Senate, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Texas Municipal League, Transportation Committee, Wolf Pen Creek Oversight Committee, Wolf Pen Creek TIF Board, Zoning Board of Adjustments (Notice of Agendas posted on City Hall bulletin board).

10. Executive Session will immediately follow the workshop meeting in the Administrative Conference Room.

Consultation with Attorney {Gov't Code Section 551.071}; possible action. The City Council may seek advice from its attorney regarding a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. Litigation is an ongoing process and questions may arise as to a litigation tactic or settlement offer, which needs to be discussed with the City Council. Upon occasion the City Council may need information from its attorney as to the status of a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Application with TCEQ for permits in Westside/Highway 60 area, near Brushy Water Supply Corporation.
- b. Sewer CCN permit requests.
- c. Water CCN permit requests.
- d. Water service application with regard to Wellborn Special Utility District.
- e. Bed & Banks Water Rights Discharge Permits for College Station and Bryan
- f. Legal aspects of Water Well and possible purchase of or lease of water well sites.
- g. JK Development v. College Station.
- h. Taylor Kingsley v. College Station.
- i. State Farm Lloyds as Subrogee of Mikal Klumpp v. College Station.
- j. TMPA v. PUC (College Station filed Intervention).
- k. Legal issues and advice on Brazos Valley Solid Waste Management Agency Contract, on proposed methane gas contract, on proposed Franchise with City of Bryan for B.T.U. Electric, on proposed pole use for College Station and Bryan electric lines, and update on legal proceedings for Grimes County Landfill site and on contract for site acquisitions.

Personnel {Gov't Code Section 551.074}; possible action The City Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Planning and Zoning Commission
- b. Zoning Board of Adjustments
- c. Construction Board of Adjustments and Appeals
- d. Parks and Recreation Board

Economic Incentive Negotiations {Gov't Code Section 551.087}; possible action The City Council may deliberate on commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay or expand in or near the city with which the City Council in conducting economic development negotiations may deliberate on an offer of financial or other incentives for a business prospect. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Hotel and Conference Center

11. Action on executive session, or any workshop agenda item not completed or discussed in today's workshop meeting will be discussed in tonight's Regular Meeting if necessary.

12. Adjourn.

APPROVED:

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City Manager

Notice is hereby given that a Workshop Meeting of the City Council of the City of College Station, Texas will be held on the 10<sup>th</sup> day of July, 2008 at 3:00 pm in the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this 7<sup>th</sup> day of July, 2008 at 2:30 pm.



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City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, [www.cstx.gov](http://www.cstx.gov). The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on July 7, 2008 at 2:30 pm and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official board at the College Station City Hall on the following date and time: \_\_\_\_\_ by \_\_\_\_\_.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2008.  
CITY OF COLLEGE STATION, TEXAS

By \_\_\_\_\_

Subscribed and sworn to before me on this the \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, Notary Public – Brazos County, Texas

My commission expires: \_\_\_\_\_

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3517 or (TDD) 1-800-735-2989. Agendas may be viewed on [www.cstx.gov](http://www.cstx.gov). Council meetings are broadcast live on Cable Access Channel 19.

**July 10, 2008  
Workshop Agenda Item No. 2  
Comprehensive Plan Update Phase II – Midpoint Briefing**

**To:** Glenn Brown, City Manager

**From:** Bob Cowell, AICP, Director of Planning & Development Services

**Agenda Caption:** Presentation, possible action, and discussion regarding a briefing on the progress of Phase II of the Comprehensive Plan Update.

**Recommendation(s):** N/A

**Summary:** Kendig Keast Collaborative, the City's Comprehensive Plan consultant, will provide a briefing on the progress of Phase II of the Comprehensive Plan Update, receive feedback and direction on emerging plan proposals, and ensure that the plan is consistent with the Council's expectation.

**Budget & Financial Summary:** N/A

**Attachments:**  
N/A

July 10, 2008  
Workshop Agenda Item No. 3  
Wolf Pen Creek Corridor

**To:** Glenn Brown, City Manager

**From:** Bob Cowell, AICP, Director of Planning & Development Services

**Agenda Caption:** Presentation, possible action, and discussion on the history of Wolf Pen Creek Corridor and the balance between commercial and residential development within the Corridor

**Recommendation:** Staff recommends the Council provide further direction to staff regarding this issue.

**Summary:** At the request of Council, staff has scheduled this item for workshop and prepared the attached information. This report will provide a brief background regarding the Wolf Pen Creek Corridor along with a briefing about recent projects and activities in the district.

The Wolf Pen conceptual master plan was originally approved by Council on April 22, 1987. The original Master Plan was approved by Council on October 27, 1988. The revised Master Plan was approved on July 9, 1998 after a comprehensive public input process. A design charrette was conducted On October 20 - 21, 2000 to further refine the vision for the corridor and to generate additional ideas and community support for the project.

The stated goal of the master plan is to: *"develop a comprehensive plan to recognize the interrelationships of drainage, erosion, recreation, commercial development and residential as they apply to the Wolf Pen Creek Corridor from Texas Avenue to the East Bypass, as well as to create a community attraction for College Station residents and out-of-town guests"*.

There are currently 44.969 acres (22%) that are vacant and held in private ownership in WPC. During 2006, three Conditional Use Permits approved by City Council in Wolf Pen Creek allowed for multi-family developments with little or no ground floor retail.

**Approved Conditional Use Permits:**

Wolf Creek Condos	2.691 Acres/43 units Near Completion
River Oaks Townhomes	7.410 Acres/90 units Phase 1 (3.7 Acres/50 units) near completion
The Lofts at Wolf Pen Creek	8.34 Acres/253 units/9,000 sf of retail space (Clearing and Grading begun)

**Privately developed property in WPC is as follows:**

Residential with first floor retail	8.3 acres/253 units/9,000 sf retail (4.1%)
Commercial -	29.5 acres/249,000 sf (14.4%)
Office -	1.7 acres/43,000 sf (0.8%)
Residential -	50.9 acres/909 units (24.9%)
Trail System -	9.9 acres (4.8%)

The City of College Station owns 58.9 acres (28.8%) of land in WPC. These properties are developed as Wolf Pen Creek Amphitheater and park, the Wolf Pen Creek Trail System, the P. David Romei Arts Center and Fire Station No. 2.

**Budget & Financial Summary:** The Wolf Pen Creek Tax Increment Finance District was created by Ordinance Number 1791 on December 8, 1988. The TIF became effective in January, 1989 and has a 20 year life. The funds generated by the TIF can be used for public improvements such as buildings, utilities, streets, walks, parking facilities and parks. The TIF is expected to generate approximately \$6 million over the 20 year period. The TIF funds are governed by the Wolf Pen Creek TIF Board which is appointed by the City of College, The College Station Independent School District and the Brazos County Commissioners Court.

**Attachments:**

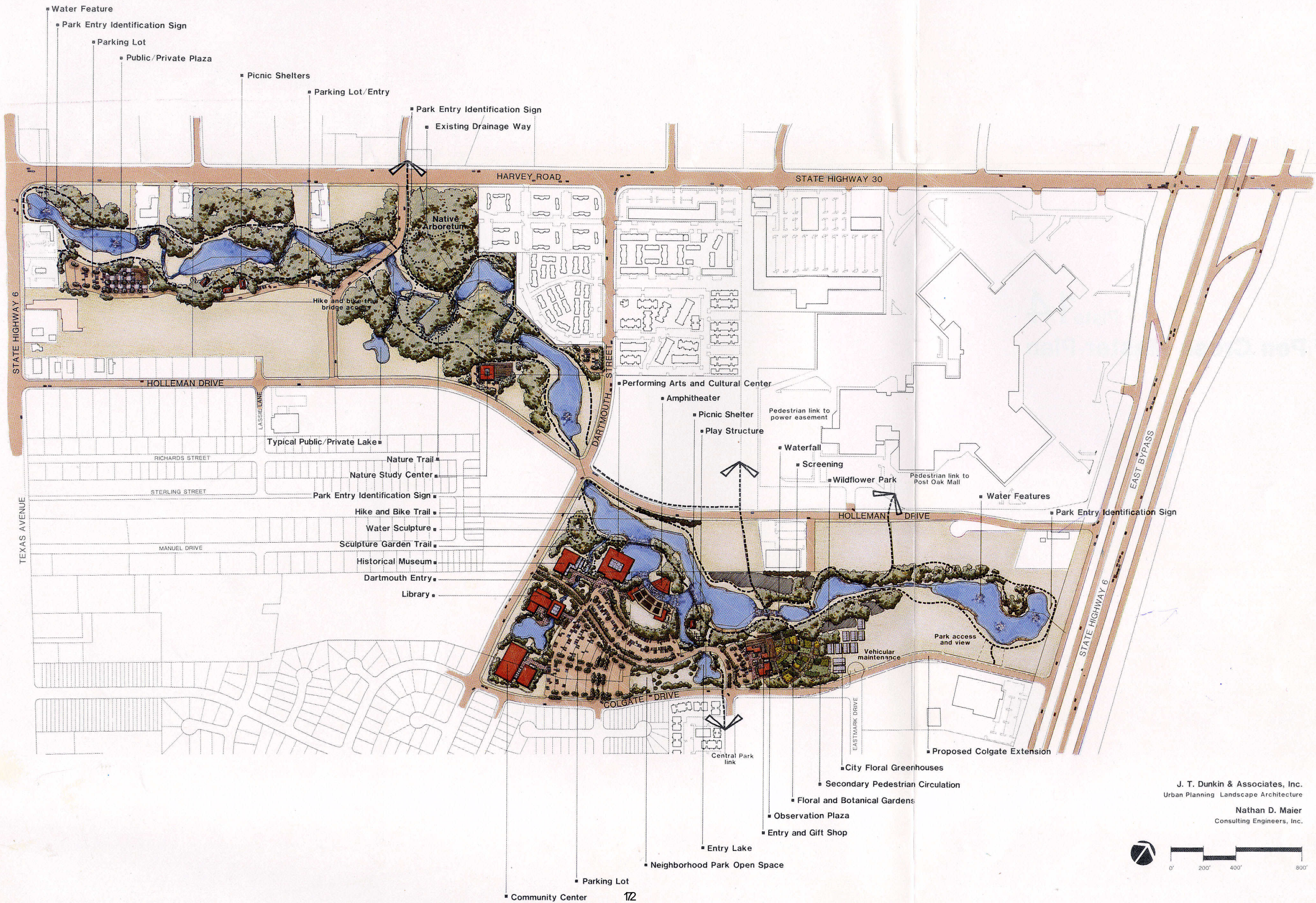
1. Wolf Pen Creek Master Plan - October, 1988
2. Wolf Pen Creek Revised Master Plan - July, 1998
3. Wolf Pen Creek Updated Master Plan - March, 2005
4. Wolf Pen Creek History Summary
5. Wolf Pen Creek Allowable Uses



# Wolf Pen Creek Master Plan

COLLEGE STATION, TEXAS  
*wolf pen creek corridor study*

Plate **14**



J. T. Dunkin & Associates, Inc.  
Urban Planning Landscape Architecture  
Nathan D. Maier  
Consulting Engineers, Inc.





# WOLF PEN CREEK MASTER PLAN



NORTH

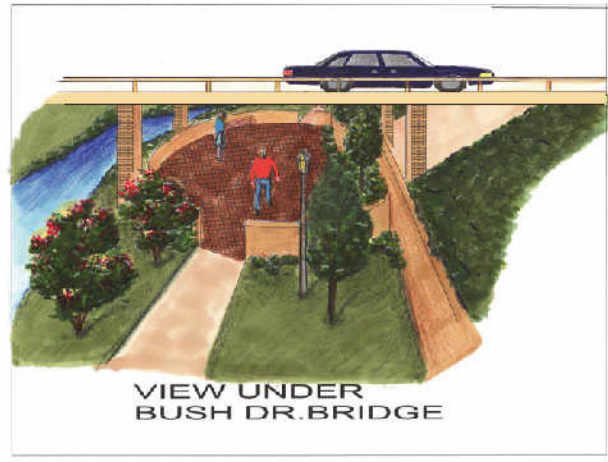
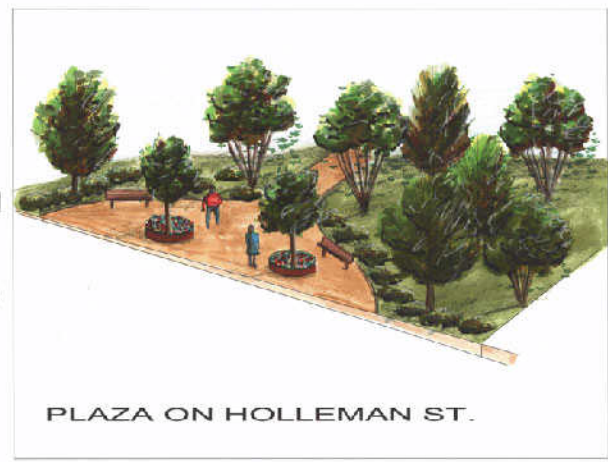
NOT TO SCALE



Parks & Recreation  
College Station



PREPARED BY:  
COLLEGE STATION PARKS & RECREATION PLANNING,  
DEVELOPMENT SERVICES, & PUBLIC WORKS DEPARTMENT  
ADOPTED BY CITY COUNCIL JULY 9, 1998





# ***WOLF PEN CREEK CORRIDOR HISTORY SUMMARY***

May 14, 2007

August 1977	7.69-acre Brentwood Park site is acquired through park land dedication.
March 1987	Conceptual idea for corridor development is first discussed at joint meeting between the City Council and Parks Board concerning the use of Brentwood Park.
April 22, 1987	City Council approval of a conceptual master plan for Wolf Pen Creek
May 28, 1988	Wolf Pen Creek corridor added to the City Comprehensive Plan
Sept 10, 1987	J.T. Dunkin & Associates begins the Wolf Pen Creek Corridor Study.
Oct 27, 1988	City Council adopts the completed Wolf Pen Creek Master Plan.
Dec. 1988	City Council establishes a Tax Increment Finance District for the Wolf Pen Creek Corridor to enhance future financing.
April 1989	City Council incorporates the development policies of the Wolf Pen Creek Master Plan into the City's Comprehensive Plan.
August 1989	City Council accepts a \$100,000 donation from the Astin Trust.
Sept. 1989	City Council adopts the Wolf Pen Creek Zoning Ordinance.
Nov. 1989	J.T. Dunkin & Assoc. are retained to design Phase I Project.
Dec. 1989	Texas Parks and Wildlife approves a matching grant of \$500,000.
Jan. 1990	Design of Phase I begins.
June 30, 1990	City Council approves final schematic design for Phase I project.
July 1990	City Council decides to place additional funds for Phase I and a future Phase II on the December 8, 1990 bond election.
Dec. 1990	Bond election proposition for additional Wolf Pen Creek funds for Phase I and a Phase II, fails to pass.
Dec. 3, 1991	Construction begins on Phase I Project.

Feb.1993	Concrete walks & crosswalks	\$45,500
March 1993	Iron fencing @ amphitheater	\$22,361
May 28, 1993	Amphitheater Grand Opening Gala.	

## **WOLF PEN CREEK PHASE I BUDGET**

### Source of Funding

\$500,000	Texas Parks and Wildlife
100,000	Astin Trust
100,000	FY 1989-90 Hotel/Motel
100,000	FY 1990-91 Hotel/Motel
200,000	FY 1991-92 Hotel/Motel
300,000	GO Bonds - Park Land Development
100,000	GO Bonds - Park Acquisition
173,000	GO Bonds - Drainage Improvement
27,000	Revenue Bonds - Sewer
\$1,600,000	TOTAL

### Uses of Funds

\$ 152,000	Land Acquisition
190,000	Design Architect and Engineering
8,000	Miscellaneous
1,250,000	Construction Budget
\$1,600,000	TOTAL

March 1994	Concrete additions front of stage	\$22,913
Sept.1994	Dumpster screen wall	\$7,500
Sept. 1994	Concrete ramp	\$6,300
Sept.1995	Restroom building	\$179,233
Sept.1995	Concrete additions	\$11,089
Oct.1995	Dredging of lake, retention ponds & fencing	\$145,000
April 1996	Rubber cushioning added to playground	\$14,033
May 1996	Guard railing	\$11,930
1998	Wolf Pen Creek Focus Group meetings are conducted to develop ideas to revise the master plan	



July 9, 1998	Revised master plan adopted by the City Council
Jan. 28, 1999	City Council approved a professional services contract with MEI for a conceptual design of Wolf Pen Creek between Texas Avenue and Dartmouth/Holleman Intersection, including George Bush East Extension, a trail system, a parking lot, and other amenities.
April 22, 1999	City Council approved a professional services contract with McClure Engineering for preliminary and final design of George Bush East Extension
March, 2000	Lights, bridge and sidewalks between restaurants \$72,864
March 23, 2000,	Council approved a contract with McClure Engineering for design of a parking area adjacent to Wolf Pen Creek at the intersection of Dartmouth and Holleman.
March 23, 2000,	Council approved two contracts with McClure Engineering. One for the design of the Wolf Pen Creek Trail System between Texas Avenue and Dartmouth (Upper Trails) and another for the design and permitting of the Wolf Pen Creek Channel Improvements from Texas Avenue to Earl Rudder Freeway South (Highway 6 Bypass).
Oct 20-21, 2000	Design charrette conducted to generate community support and new ideas for the corridor
July 12, 2001	City Council approved award of the professional services contract for the Wolf Pen Creek Lower Trail, Phase I to Mitchell and Morgan, LLP in an amount not to exceed \$147,050.00.
March 2002	34 Trees \$8,300
March 28, 2002	City Council approved project scope change in the Wolf Pen Creek Channel Improvements from Texas Avenue to Earl Rudder Freeway South (Highway 6 Bypass) after direction from the United States Corps of Engineers (USCOE).
May 9, 2002	City Council approved a construction contract with G. Creek, Inc. in the amount of \$1,161,584.85 for the Wolf Pen Creek Lower Trails Phase I Project.
Nov. 21, 2002	City Council approved a construction contract with Dudley Construction for a Marquee Sign. \$14,000

Dec. 17, 2003	Marquee sign completed.
Dec. 2003	Cylex ID signs, WPC Corridor \$23,652
July 2004	WPC District sign \$5,183
Sept. 30, 2004	Wolf Pen Creek Lower Trail, Phase I (Dartmouth to SH 6) project is completed.
Oct, 2004	49 trees \$8,360
July 28, 2005	City Council approved construction contract with JaCody Inc., in the amount of \$465,888.50 for construction of Upper Trails from George Bush Drive to Dartmouth Street
May 9, 2006	Upper Trails project including additional parking area is completed from George Bush Drive to Dartmouth Street.
April, 2007	Interpretive signage and disc golf course installed by Mays Business School Students as a service project. \$4,790
May, 2007	Amphitheater improvement project completed with funding from WPC TIF and General Fund CO's \$1,368,581



# UNIFIED DEVELOPMENT ORDINANCE FACT SHEET

## WPC - Wolf Pen Creek

This district is designed to promote development that is appropriate along Wolf Pen Creek, which, upon creation was a predominantly open and undeveloped area challenged by drainage, erosion, and flooding issues. Development proposals are designed to encourage the public and private use of Wolf Pen Creek and the development corridor as an active and passive recreational area while maintaining an appearance consistent with the Wolf Pen Creek Master Plan.

The Design Review Board must approve all WPC site plans.

### **Permitted uses:**

- Extended Care Facility / Convalescent / Nursing Home
- Multi-Family built before January 2002
- Educational Facility, Indoor Instruction
- Educational Facility, Tutoring
- Government Facilities
- Parks
- Places of Worship
- Animal Care Facility, Indoor
- Art Studio / Gallery
- Commercial Amusements
- Conference/Convention Center
- Health Club / Sports Facility, Indoor or Outdoor
- Night Club / Bar / Tavern
- Hotels
- Offices
- Parking as a Primary Use
- Personal Service Shop
- Printing / Copy Shop
- Restaurants
- Retail Sales and Service
- Shooting Range, Indoor
- Theater

### **Permitted with Specific Use Standards:**

- Dry Cleaners / Laundry
- Sexually Oriented Business
- Utilities
- Wireless Telecommunication Facilities—Intermediate

### **Permitted with a Conditional Use Permit:**

- Multi-Family (Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right)
- Drive-in / thru window

**July 10, 2008  
Workshop Agenda Item No. 4  
2008 Bond Proposed Ballot Language**

**To:** Glenn Brown, City Manager

**From:** Mark Smith, Director of Public Works

**Agenda Caption:** Presentation, possible action and discussion of an ordinance calling a bond election on November 4, 2008.

**Recommendation(s):** Staff recommends that Council consider the proposed ballot language and give staff direction so that a final ordinance can be developed for adoption on August 18<sup>th</sup>.

Key decision points;

- 5 or 7 year funding timeline
- Projects to add or delete from CAC recommendation
- Willingness to increase tax rate

**Summary:** Staff will present draft ballot language for consideration and discussion by Council. Staff will need direction from Council at that time so that an ordinance adopting final ballot language can be developed. We will need to know whether Council wants to look at a 5-yr or 7-yr timeframe as well as any other project specific issues that Council wants staff to address in the ballot language.

**Budget & Financial Summary:** Based on recent property value information, our debt capacity, without need of a tax rate increase, is estimated to be closer to \$70 million. However, by factoring inflation and potential cost increases for LEED certification into the project costs that means that we still have about \$60 million to work with on a 5-year bond program. Our financial projections also indicate that over a 7-year period we will be able to issue about \$84 million in debt. Factoring in inflation and potential cost increases we will have about \$70 million to work with over a 7-year period.

**Attachments:**

Draft Ballot Ordinance



ORDINANCE \_\_\_\_\_

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, CALLING A BOND ELECTION TO BE HELD WITHIN SAID CITY; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; AND CONTAINING OTHER PROVISIONS INCIDENTAL THERETO.

WHEREAS, the City Council (the "City Council") of the City of College Station, Texas (the "City") finds and determines that an election should forthwith be called and held in the City for the purpose of submitting certain propositions for the issuance of bonds for the purposes herein set forth; and

WHEREAS, the City Council finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code; therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS THAT:

Section 1. The statements contained in the preamble to this Ordinance are hereby adopted as findings of fact and as a part of the operative provisions hereof.

Section 2. An election shall be held between the hours of 7:00 A.M. and 7:00 P.M. on November 4, 2008 in the City. The implementation and management of said election shall be by the City Secretary, City of College Station. The City Secretary, City of College Station, is hereby designated as the Chief Election Official and Early Voting Clerk for said election. The implementation, conduct and management of said election shall include, but not be limited to:

- A. The securing of qualified individuals to serve as election judges for each polling place within a voting precinct.
- B. The securing of locations and facilities where the election is to be conducted.
- C. The securing of election materials and supplies requisite to the proper administration of the election, and the programming and preparation of Direct Recording voting equipment to be used in the election.
- D. The securing of a contract with \_\_\_\_\_, for election services and supplies.

Section 3. The polling places for the election on election day, and the precincts for said election, as hereby designated as follows:

BRAZOS COUNTY PRECINCTS

City Precincts	Polling Places
9, 10A, 10B, 20, 21, 24, 34	College Station City Hall 1101 Texas Avenue
8, 02C, 31, 32, 33, 35A, 35B, 72, 74	College Station Public Library 1818 Harvey Mitchell Parkway South
02B, 39, 80	Rock Prairie Elementary School 3400 Welsh
40	Aldersgate Methodist Church 2201 Earl Rudder Freeway South
41, 68	Pebble Creek Elementary School 200 Parkview

Section 4. Early voting by personal appearance and mail. The period for early voting by personal appearance shall be October 20, 2008 through October 31, 2008 [NOTE: October 18 is the 17th day before election day; it is a Saturday]. Applications for early voting by mail shall be delivered to the Early Voting Clerk, no earlier than September 5, 2008, and no later than the close of business on October 28, 2008. The Early Voting Clerk for said election shall be the City Secretary, City of College Station. The Early Voting Clerk shall appoint city employees and additional assistance by qualified individuals of the community to serve as deputy early voting clerks to assist the Early Voting Clerk at the early voting polling places. Early voting by personal appearance shall be conducted on the days and during the hours as follows:

College Station City Hall  
1101 Texas Avenue  
College Station, Texas  
8:00 a.m. to 5:00 p.m. (Monday - Friday)

Post Oak Mall  
1500 Harvey Road  
College Station, Texas  
12:00 p.m. to 9:00 p.m. (October 20-25; October 27-31)  
12:00 p.m. to 6:00 p.m. (October 26th)

Section 5. The early voting ballots shall be canvassed by the Early Voting Ballot Board, which is hereby created. The Presiding Judge and the Alternate Election Judge of the Early Voting Ballot Board shall be selected by the City Secretary, City of College Station.

Section 6. The method of voting in said election shall be by ballots that conform to the requirement of the Texas Election Code.

Section 7. All resident, qualified electors of said City shall be entitled to vote at said election.

Section 8. A substantial copy of this Ordinance shall serve as proper notice of the Election, which notice shall be given by posting substantial copies of this Ordinance in both English and Spanish on the bulletin board at the City Hall of the City used for the posting of notices of meetings of the City Council of the City and at three (3) other public places within the City not later than the twenty-first (21st) day prior to the date upon which the Election is to be held; and substantial copies of this Ordinance in both English and Spanish shall be published on the same day in each of two (2) successive weeks in a newspaper of general circulation in the City, the date of the first publication to be not less than fourteen (14) days nor more than thirty (30) days prior to the date of the Election.

Section 9. The City Secretary, City of College Station, is hereby responsible for any necessary submissions to the U.S. Department of Justice for preclearance of said election under the Federal Voting Rights Act.

Section 10. At said election the following PROPOSITIONS shall be submitted in accordance with law:

#### PROPOSITION NO. 1

Shall the City Council of the City of College Station, Texas, be authorized to issue, in accordance with law at the time of issuance, the bonds and notes of the City, in one or more series or issues, in the aggregate principal amount of \$50,715,000 with the bonds or notes of each such series or issues, respectively, to mature serially or otherwise within not to exceed forty years from their date, and to be sold at such prices and bear interest at such rates, as shall be determined within the discretion of the City Council, for the construction of street and transportation improvements throughout the City including,

without limitation, traffic signals, sidewalks, hike and bike trails and pedestrian improvements; and shall said City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient to pay the annual interest on said bonds and notes and provide a sinking fund to pay the bonds and notes at maturity?

#### PROPOSITION NO. 2

Shall the City Council of the City of College Station, Texas, be authorized to issue, in accordance with law at the time of issuance, the bonds and notes of the City, in one or more series or issues, in the aggregate principal amount of \$6,000,000 with the bonds or notes of each such series or issues, respectively, to mature serially or otherwise within not to exceed forty years from their date, and to be sold at such prices and bear interest at such rates, as shall be determined within the discretion of the City Council, for the expansion and equipping of the City's \_\_\_\_\_ library; and shall said City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient to pay the annual interest on said bonds and notes and provide a sinking fund to pay the bonds and notes at maturity?

#### PROPOSITION NO. 3

Shall the City Council of the City of College Station, Texas, be authorized to issue, in accordance with law at the time of issuance, the bonds and notes of the City, in one or more series or issues, in the aggregate principal amount of \$6,000,000 with the bonds or notes of each such series or issues, respectively, to mature serially or otherwise within not to exceed forty years from their date, and to be sold at such prices and bear interest at such rates, as shall be determined within the discretion of the City Council, for the constructing and equipping of a new fire station building; and shall said City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient to pay the annual interest on said bonds and notes and provide a sinking fund to pay the bonds and notes at maturity?

#### PROPOSITION NO. 4

Shall the City Council of the City of College Station, Texas, be authorized to issue, in accordance with law at the time of issuance, the bonds and notes of the City, in one or more series or issues, in the aggregate principal amount of \$12,210,000 with the bonds or notes of each such series or issues, respectively, to mature serially or otherwise within not to exceed forty years from their date, and to be sold at such prices and bear interest at such rates, as shall be determined within the discretion of the City Council, the purchase of land and the construction of improvements for parks or other recreational purposes, including the construction and equipping of the Lick Creek Nature Center and the expansion of Lincoln Center; and shall said City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient to pay the annual interest on said bonds and notes and provide a sinking fund to pay the bonds and notes at maturity?

#### PROPOSITION NO. 5

Shall the City Council of the City of College Station, Texas, be authorized to issue, in accordance with law at the time of issuance, the bonds and notes of the City, in one or



more series or issues, in the aggregate principal amount of \$7,620,000 with the bonds or notes of each such series or issues, respectively, to mature serially or otherwise within not to exceed forty years from their date, and to be sold at such prices and bear interest at such rates, as shall be determined within the discretion of the City Council, for constructing and equipping a new community center, including site acquisition; and shall said City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient to pay the annual interest on said bonds and notes and provide a sinking fund to pay the bonds and notes at maturity?

Section 11. The official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITIONS, with the ballots to contain such provisions, markings and language as required by law, and with such PROPOSITIONS to be expressed substantially as follows:

PROPOSITION NO. 1

FOR	)	THE ISSUANCE OF \$50,715,000 TAX BONDS AND NOTES FOR STREET AND TRANSPORTATION IMPROVEMENTS.
AGAINST	)	

PROPOSITION NO. 2

FOR	)	THE ISSUANCE OF \$6,000,000 TAX BONDS AND NOTES FOR LIBRARY IMPROVEMENTS.
AGAINST	)	

PROPOSITION NO. 3

FOR	)	THE ISSUANCE OF \$6,000,000 TAX BONDS AND NOTES FOR FIRE SAFETY IMPROVEMENTS
AGAINST	)	

PROPOSITION NO. 4

FOR	)	THE ISSUANCE OF \$11,810,000 TAX BONDS AND NOTES FOR PARKS OR OTHER RECREATIONAL IMPROVEMENTS
AGAINST	)	

PROPOSITION NO. 5

FOR                    )       THE ISSUANCE OF \$7,620,000 TAX BONDS AND NOTES FOR  
                                  CONSTRUCTING AND EQUIPPING A COMMUNITY CENTER

AGAINST            )

Section 12. In all respects said election shall be conducted in accordance with the Texas Election Code.

Section 13. This Ordinance shall be effective immediately from and after its passage.

PASSED AND APPROVED this \_\_\_\_\_.

\_\_\_\_\_  
Mayor, City of College Station, Texas

ATTEST:

\_\_\_\_\_  
City Secretary, City of College Station, Texas

APPROVED AS TO FORM:

\_\_\_\_\_  
Bond Counsel

**July 10, 2008  
Workshop Item No. 5  
Charter Amendments**

**To:** Glenn Brown, City Manager

**From:** Connie Hooks, City Secretary

**Agenda Caption:** Presentation, possible action, and discussion regarding a charter amendment election on the November 4, 2008 ballot.

At the January 24, 2008 City Council meeting, the City Council discussed an item regarding petition submitted by a committee of five electors. The City Secretary declared the petition invalid for lack of sufficient signatures and a charter election was legally prohibited by the Texas Constitution on May 10, 2008 city general election.

Immediately following the January Council meeting, a request was made by Mr. Dick Birdwell (one of the five committee members) for a charter election in November.

The amendment language in the petition is summarized as follows:

*That the City Council call an election to replace Article X, Section 85; Form of Petitions; Committee of Petitioners with the addition of wording to authorize the Committee at their discretion to delegate circulator duties to other College Station registered voters. Mail petitions shall be authorized without a notary requirement.*

If the City Council desires to proceed with the Charter amendment election, our City Attorney indicated that additional sections in Article X would require language changes and submitted as separate propositions.

**Budget & Financial Summary:** The City of College Station is expected to spend approximately \$30,000 for processes associated with a special charter election and special bond election. These elections will be combined with the federal election ballot, November 4, 2008. Expenses shared with Brazos County.

**Attachments:**

Survey

Email from Dick Birdwell

Local Government Code Charter requirements

Petition

Article X, Initiative, Referendum and Recall



	Population (2006)	Initiative	Referendum	Recall	Petition Committee
Town of Addison	15,380	25% Qualified voters as of last election	25% Qualified voters as of last election	25% Qualified voters as of last election	no
City of Allen	73,298	30% number of votes cast in last election or 150, (whichever is greater)	30% number of votes cast in last election or 150, (whichever is greater)	30% (and greater than 150) Qualified voters in last election	no
City of Bryan	67,266	10% of the qualified voters of the city as of 1/31 preceding the date of submission	Not Mentioned in Charter	10% of the registered voters in the territory which the councilmember represents	yes; 5 people
City of Carrollton	121,604	30% number of votes cast in the last regular election, but no less than 500	30% number of votes cast in the last regular election, but no less than 500	30% number of votes cast in the last regular election, but no less than 500	no
City of College Station	74,125	25% number of votes cast in last election	25% number of votes cast in last election	40% of the total number of votes cast for the office in question in the last election	yes; 5 people
City of Coppell	39,175	Greater than 10% qualified voters as of last regular election	Greater than 10% qualified voters as of last regular election	Greater than 15% qualified voters as of last regular election	yes; 25 people
City of Denton	109,561	25% number of votes cast in last election	25% number of votes cast in last election	25% number of votes cast in last election	yes; 5 people
City of Friendswood	33,478	10% total number of qualified voters in last regular election	10% total number of qualified voters in last regular election	10% total number of qualified voters in last regular election	no
City of Frisco	80,499	30% of the number of votes cast in the last regular election or 150, whichever is greater	30% of the number of votes cast in the last regular election or 150, whichever is greater	30% of the number of votes cast in the last regular election or 150, whichever is greater	no
City of Garland	217,963	10% Qualified voters	10% Qualified voters	25% of votes in last election; not less than 800 for Council or less than 2000 for the Mayor	no
City of Georgetown	42,467	15% qualified voters in last election, but no less than 250	15% qualified voters in last election, but no less than 250	15% all registered voters; to recall councilmember, need 15% registered voters in district	no
City of Grand Prairie	153,812	Not Mentioned in Charter	15% of registered voters or 40% of those who voted in last election, whichever is greater	15% of registered voters or 40% of those who voted in last election, whichever is greater	yes; 5 people
City of Irving	196,084	Not Mentioned in Charter	Not Mentioned in Charter	10% qualified voters with 20% of those having voted in last election	yes; 3 people
City of Lewisville	94,589	Not Mentioned in Charter	Not Mentioned in Charter	5% qualified voters as of last election	no
City of Longview	76,524	10% of total number of qualified voters as of last election	10% of total number of qualified voters as of last election	25% of total number of qualified voters as of last election	yes; 5 people
City of Lubbock	212,169	25% Qualified voters as of last election	25% Qualified voters as of last election	30% Qualified voters	yes; at least 5 people
City of McKinney	107,530	25% number of votes cast in last election	25% number of votes cast in last election	25% votes cast in last election AND 15% qualified voters	yes; 5 people
City of Mesquite	131,447	Not Mentioned in Charter	Not Mentioned in Charter	40% those qualified to vote in last election and more than 1/2 of those had to have voted for person being recalled	yes; 3 people
City of Missouri City	73,679	10% Qualified voters	10% Qualified voters	10% Qualified voters at time of last election	no
City of N. Richland Hills	62,306	Not Mentioned in Charter	25% number of votes cast in last election, but no less than 250	25% number of votes cast in last election, but no less than 250	no
City of Pearland	68,305	30% Votes cast in last election, or 150, whichever is greater	30% Votes cast in last election, or 150, whichever is greater	30% number of votes cast in the last election, but no less than 150	no
City of Richardson	99,822	10% Qualified voters	10% Qualified voters	10% of those entitled to vote in city	yes; 5 people
City of Round Rock	92,392	5% total qualified voters or 250, whichever is greater	5% total qualified voters or 250, whichever is greater	10% qualified voters as currently certified	yes; 5 people with a committee chairperson
City of San Marcos	47,181	10% Qualified voters	10% Qualified voters	10% qualified voters	no
City of Sugar Land	79,943	30% of those voting in last election	30% of those voting in last election	25% Qualified voters of the city at present	yes; 5 people
City of Tyler	94,146	30% Qualified voters	30% Qualified voters	15% Qualified voters	no
City of Waco	121,496	15% Qualified voters	15% qualified voters	30% Qualified voters	no

From: "Dick Birdwell" <d.bird@verizon.net>  
To: "Connie Hooks" <CHOOKS@cstx.gov>, <gbrown@cstx.gov>  
Date: 1/24/2008 11:57:59 AM  
Subject: FW: Request for Charter Change Election

-----Original Message-----

From: Dick Birdwell [mailto:d.bird@verizon.net]  
Sent: Thursday, January 24, 2008 11:48 AM  
To: 'Ben White'; 'Chris Scotti'; 'Dave Ruesink'; 'John Crompton'; 'James Massey'; 'Lynn Mcilhaney'; 'Ron Gay'  
Cc: 'p-gmatthews@hotmail.com'; 'joeroger@suddenlink.net';  
'burnsra@tconline.net'; 'april.avison@theeagle.com';  
keblinger@suddenlink.net  
Subject: Request for Charter Change Election

Charter Change Petition

Honorable Mayor and Council:

It is respectfully requested that that the Charter Change Petition submitted to the City on Jan. 7, 2008 be put on the November general election ballot by action of the College Station City Council.

The committee that circulated the petition followed instructions that both we and the City believed to be valid. We were advised by the City shortly after the petition was turned in that a Charter change petition could not be put on the May 10, 2008 city election ballot because of a requirement in the Texas Constitution. We learned on Jan. 23, 2008, that the number of valid signatures required was 1,312 where as we had previously been told that 1,019 signatures were required. The actual number of valid signatures submitted was 1,243 or 69 short of the requirement.

It would be an easy job to get an additional 69 signatures, however we have also been advised that a Charter Change petition can not be submitted until after May 10, 2008. As a result, 80 percent of the 1,243 signatures that have been certified as valid will be over 180 days old and will not count.

The petition demonstrates that there is a large portion of the College Station voters that believe that the current 5 person limit for witnessing signatures is unduly restrictive and should be changed.

Your consideration of this request is appreciated.

Dick Birdwell  
260-2076





## ORGANIZATION OF MUNICIPAL GOVERNMENT

§ 9.008

(c) The charter commission shall prepare the charter so that to the extent practicable each subject may be voted on separately.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, § 87(b), eff. Aug. 28, 1989.

### § 9.004. Charter Amendments

(a) The governing body of a municipality on its own motion may submit a proposed charter amendment to the municipality's qualified voters for their approval at an election. The governing body shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of qualified voters of the municipality equal to at least five percent of the number of qualified voters of the municipality or 20,000, whichever number is the smaller.

(b) The ordinance ordering the election shall provide for the election to be held on the first authorized uniform election date prescribed by the Election Code or on the earlier of the date of the next municipal general election or presidential general election. The election date must allow sufficient time to comply with other requirements of law and must occur on or after the 30th day after the date the ordinance is adopted.

(c) Notice of the election shall be published in a newspaper of general circulation published in the municipality. The notice must:

(1) include a substantial copy of the proposed amendment;

(2) include an estimate of the anticipated fiscal impact to the municipality if the proposed amendment is approved at the election; and

(3) be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election.

(d) An amendment may not contain more than one subject.

(e) The ballot shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments.

(f) The requirement imposed by Subsection (c)(2) does not waive governmental immunity for any purpose and a person may not seek injunctive relief or

any other judicial remedy to enforce the estimate of the anticipated fiscal impact on the municipality.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 1219, § 5, eff. June 20, 1997; Acts 1997, 75th Leg., ch. 1349, § 76, eff. Sept. 1, 1997; Acts 2007, 80th Leg., ch. 414, § 1, eff. Sept. 1, 2007.

Section 2 of Acts 2007, 80th Leg., ch. 414 provides:

"The change in law made by this Act applies only to an election for a charter amendment ordered on or after the effective date of this Act."

### § 9.005. Adoption of Charter or Amendment

(a) A proposed charter for a municipality or a proposed amendment to a municipality's charter is adopted if it is approved by a majority of the qualified voters of the municipality who vote at an election held for that purpose.

(b) A charter or an amendment does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the charter or amendment is adopted.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

### § 9.006. Concurrent Elections

This chapter does not prevent the voters at an election to adopt a charter or an amendment to a charter from electing at the same election persons to hold office under the charter or amendment.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

### § 9.007. Certification of Charter or Amendment

(a) As soon as practicable after a municipality adopts a charter or charter amendment, the mayor or chief executive officer of the municipality shall certify to the secretary of state an authenticated copy of the charter or amendment under the municipality's seal showing the approval by the voters of the municipality.

(b) The secretary of state shall file and record the certification in his office in a book kept for that purpose.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

### § 9.008. Registration of Charter or Amendment; Effect

(a) The secretary or other officer of a municipality performing functions similar to those of a secretary shall record in the secretary's or other officer's office a charter or charter amendment adopted by the voters of the municipality. If a charter or amendment is not recorded on microfilm, as may be permitted under another law, it shall be recorded in a book kept for that purpose.

## TITLE 4. TIME AND PLACE OF ELECTIONS

### CHAPTER 41. ELECTION DATES AND HOURS FOR VOTING

#### SUBCHAPTER A. ELECTION DATES

Section	Section
41.001. Uniform Election Dates.	41.0051. General Election in Certain Coastal Cities.
	41.0052. Changing General Election Date.
	41.007. Primary Elections.

#### SUBCHAPTER A. ELECTION DATES

##### § 41.001. Uniform Election Dates

(a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

- (1) the second Saturday in May; or ✓
- (2) the first Tuesday after the first Monday in November. ✓

(b) Subsection (a) does not apply to:

- (1) a runoff election;
- (2) an election to resolve a tie vote;
- (3) an election held under an order of a court or other tribunal;
- (4) an emergency election ordered under Section 41.0011;
- (5) an expedited election to fill a vacancy in the legislature held under Section 203.013;

or

(6) an election held under a statute that expressly provides that the requirement of Subsection (a) does not apply to the election.

(c) Except for an election under Subsection (a) or Section 41.0011, an election may not be held within 30 days before or after the date of the general election for state and county officers, general primary election, or runoff primary election.

(d) Repealed by Acts 2005, 79th Leg., ch. 471, § 9.

(c) Repealed by Acts 2005, 79th Leg., ch. 471, § 9.

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 1986, 69th Leg., 3rd C.S., ch. 14, § 7, eff. Sept. 1, 1987; Acts 1987, 70th Leg., 2nd C.S., ch. 60, § 1, eff. Oct. 20, 1987; Acts 1991, 72nd Leg., ch. 389, § 2, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 467, § 1, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1219, § 3, eff. June 20, 1997; Acts 1997, 75th Leg., ch. 1849, § 20, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, § 19.01(15), eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 340, § 2, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1315, § 14, eff. Jan. 1, 2004; Acts 2003, 78th Leg., 3rd C.S., ch. 1, § 1, eff. Jan. 1, 2005; Acts 2005, 79th Leg., ch. 471, §§ 1, 2, 9, eff. Oct. 1, 2005.

#### Historical and Statutory Notes

##### 2005 Legislation

Sections 10 and 12 of Acts 2005, 79th Leg., ch. 471 provide:

"Sec. 10. Not later than December 31, 2005, a political subdivision that before October 1, 2005, held its general election for officers on the February or September uniform election date shall

change the election date as permitted by Section 41.0052, Election Code, as reenacted and amended by Section 3 of this Act, to a date authorized by Section 41.001, Election Code, as amended by Section 1 of this Act."

"Sec. 12. This Act applies only to an election ordered on or after October 1, 2005."

#### Cross References

Election of board of directors for Starr County  
Groundwater Conservation District, see V.T.C.A.,  
Special District Local Laws Code § 8803.054.

## Art. 11, § 4

### Note 8

(Civ.App. 1926) 286 S.W. 620, error refused. Schools ⇨ 101

Appropriations from 1½ per cent. ad valorem tax, added to fund from special assessment to pay for improvement warrants, did not violate constitutional tax limitation. *Clark v. W.L. Pearson & Co.* (Sup. 1931) 121 Tex. 34, 39 S.W.2d 27. Municipal Corporations ⇨ 957(3)

#### 9. Bonds

Under Rev.St.1879, art. 420, and art. 8, § 9, and this section, where the Legislature at the time the city of Paris made a contract for the purchase of fire apparatus, executing bonds

## MUNICIPAL CORPORATIONS

therefor, had already levied a tax of one-fourth of one per cent. for current expenses the city council had no power to levy the tax for the payment of the bonds and coupons and the contract itself was for that reason void and the city not liable for the payment of the bonds and coupons. *Gould v. City of Paris* (Sup. 1887) 68 Tex. 511, 4 S.W. 650.

Maximum tax of city of 5,000 assuming control of school must include tax for retiring bonds issued for school buildings. *City of Adams v. Moody*, 1926, 115 Tex. 247, 280 S.W. 514. Municipal Corporations ⇨ 957(3)

## § 5. Cities of 5,000 or more population; adoption or amendment of charters; taxes; debt restrictions

Sec. 5. Cities having more than five thousand (5000) inhabitants may, by a majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters. If the number of inhabitants of cities that have adopted or amended their charters under this section is reduced to five thousand (5000) or fewer, the cities still may amend their charters by a majority vote of the qualified voters of said city at an election held for that purpose. The adoption or amendment of charters is subject to such limitations as may be prescribed by the Legislature, and no charter or any ordinance passed under said charter shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State. Said cities may levy, assess and collect such taxes as may be authorized by law or by their charters; but no tax for any purpose shall ever be lawful for any one year, which shall exceed two and one-half per cent. of the taxable property of such city, and no debt shall ever be created by any city, unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and creating a sinking fund of at least two per cent. thereon. Furthermore, no city charter shall be altered, amended or repealed oftner than every two years.

Amended Aug. 3, 1909, proclamation Sept. 24, 1909; Nov. 5, 1912, proclamation Dec 30, 1912; Nov. 5, 1991.

### INTERPRETIVE COMMENTARY

In 1912 a constitutional amendment was adopted providing for home rule in cities with populations of above 5,000. Before the adoption of this amendment there had been two classes of cities, special law cities of over 5,000 population and general law cities with populations of 5,000 or less. There were three general laws under which cities might incorporate, one governing incorporations as "towns or villages" and extending to all places with a population between 500 and 10,000; a second, governing "cities and towns" and extending to all places with a population between 1,000 and 10,000; and a third, governing adoption of the commission type of government by a referendum vote extending to incorporated places of all kinds from 500 to 5,000 population, and to unincorporated places with populations of from 200 to 5,000.



# City of College Station Petition Paper

## Petition for an ordinance to replace Article X, Section, 85 *Form of Petitions; Committee of Petitioners*

**Elector members of the Committee of Petitioners**, J. F. Keblinger, 1005 Muirfield Village, College Station, TX 77845; R. L. Burns, 4603 Oakmont Circle, College Station, TX 77845; P. D. Matthews, 4770 Stonebriar Circle, College Station, TX 77845; J. R. Birdwell, 3 Forest Drive, College Station, TX 77840; and J. L. Rogers, 4701 Camargo Court, College Station, TX 77845.

This petition requests the City of College Station to call an election to replace Article X, Section 85 *Form of Petitions; Committee of Petitioners* with the addition of wording to authorize registered College Station voters to circulate and to witness individual petition papers. The ordinance will include the authorization for mail petitions without a notary requirement.

**Proposed Ordinance:** Replace Article X, Section 85 *Form of petitions; Committee of Petitioners*, with the following:

Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. *The committee of petitioners may at their discretion delegate circulator duties to College Station registered voters. Mail petitions shall be authorized without a notary requirement.* Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the forgoing paper, that bears a stated number of signatures, that all signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

### Petition Signers:

	Date Signed	Birth Date	Voter Reg. No.	Printed Full Name	College Station Street Address	ZIP	Phone No.	Signature
1.	11-29-38	1-26-38	1016644774	BETTY J. JOHNSON	4604 SLICE CT	77845	979 690-1262	Betty Johnson
2.	11-29-38	4-13-38	1016644788	MARION T. JOHNSON	4604 SLICE CT.	77845	979 690-1262	Marion T. Johnson
3.	12-8-07	7-8-49	1040858918	KIRCH E. MEYER JR.	8704 Bent Tree	77845	979 694-8996	Kirch E. Meyer Jr.
4.	12-8-07	9-10-51	1040913402	Linda Meyer	" "	77845	979 694-8996	Linda Meyer
5.	12-8-07	10-17-70	1040539802	Kevin Macik	8706 Bent Tree	77845	686 5206	Kevin Macik
6.	12-8-07	1-24-73	1041309972	Stacy Stacey Macik	8706 Bent Tree	77845	696-526	Stacy Macik
7.	12/8/07	6/24/50	1041550628	ROBERT GRIFFIN	8710 Bent Tree Dr.	77845	764-8575	Robert Griffin
8.	12-8-07	4-2-65	1041130215	Allison Holmes	8711 Bent Tree	77845	696-3359	Allison Holmes
9.	12/8/07	12/15/53	1040718850	Betsy Fossett	8715 Bent Tree	77845	693-0671	Betsy Fossett
10.	12/8/07	12/17/53	1040718866	Mark Fossett	8715 Bent Tree	77845	693-0671	Mark Fossett

### Petition Circulator:

I, (printed name) J. F. Keblinger, College Station Street 1005 Muirfield Village ZIP 77845 personally circulated this petition paper, it bears 10 signatures, all signatures appended thereto were made in my presence, and I believe them to be the genuine signatures of the persons whose names they purport to be.

**Canvassing Election**

Section 82. Returns of elections, general and special, shall be made by the election officers to the City Council not later than the second Wednesday next following such election, when the City Council shall canvass the returns and declare the results of the election.

## **ARTICLE X**

### **INITIATIVE, REFERENDUM AND RECALL**

**Power of Initiative**

Section 83. The electors shall have power to propose any ordinance, except an ordinance zoning or rezoning property, appropriating money, authorizing the issuance of bonds, or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the City Council by a petition signed by qualified electors of the City equal in number to at least twenty-five (25) percent of the number of votes cast at the last regular municipal election.

**Power of Referendum**

Section 84. The electors shall have power to approve or reject at the polls any ordinance passed by the City Council, or submitted by the City Council to a vote of the electors, such power being known as the referendum, except in the case of ordinances zoning or rezoning property, authorizing the issuance of bonds, or making the annual tax levy. Ordinances submitted to the City Council by initiative petition and passed by the City Council without charge shall be subject to the referendum in the same manner as other ordinances. Within twenty (20) days after the enactment by the City Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty-five (25) percent of the number of votes cast at the last preceding regular municipal election may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

**Form of Petitions; Committee of Petitioners**

Section 85. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

**Filing; Examination and Certification of Petitions**

Section 86. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Secretary as one instrument. Within ten (10) days after the petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The City Secretary shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his examination of the petition, the City Secretary shall certify the result thereof to the city council at its next regular

meeting. If he shall certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.

### **Amendment of Petitions**

Section 87. An initiative or referendum petition may be amended at any time within ten (10) days after the notification of insufficiency has been sent by the City Secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Secretary shall, within five (5) days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the committee of petitioners of his findings, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

### **Effect of Certification of Referendum Petition**

Section 88. When a referendum petition, or amended referendum petition, has been certified as sufficient by the City Secretary, the ordinance specified in the petition shall not go into effect, or further action there under shall be suspended if it shall have gone into effect, until and unless approved by the electors, as hereinafter provided.

### **Consideration by City Council**

Section 89. Whenever the City Council receives a certified initiative or referendum petition from the City Secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The City Council shall take final action on the ordinance not later than sixty (60) days after the date on which such ordinance was submitted by the City Secretary. A referred ordinance shall be reconsidered by the City Council and its final vote upon such reconsideration shall be upon the question. "Shall the ordinance specified in the referendum petition be repealed?"

### **Submission to Electors**

Section 90. If the City Council shall fail to pass an ordinance proposed by the initiative petition, or shall pass it in a form different from that set forth in the petition therefor; or if the City Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors not less than thirty (30) days nor more than sixty (60) days from the date the city council takes its final vote thereon. The City Council may, if no regular election is to be held within such period, provide for a special election.

### **Form of Ballot for Initiated and Referred Ordinances**

Section 91. Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance; and if a paper ballot, shall have below the ballot title the following propositions, one above the other in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE". Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have below it the same two propositions, one above the other or one preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the ordinance.

### **Results of Election**

Section 92. If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the

electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

### **Repealing Ordinances; Publication**

Section 93. Initiative and referendum ordinances adopted or approved by the electors shall be published, and may be amended or repealed by the City Council, as in the case of other ordinances.

### **Recall; General**

Section 94. Any member of the City Council may be removed from office by recall.

### **Recall Procedure**

Section 95. Any elector of the City of College Station may make and file with the City Secretary an affidavit containing the name or names of the officer or officers whose removal is sought and a statement of the grounds for removal. The City Secretary shall thereupon deliver to the elector making such affidavit copies of petition blanks demanding such removal. The City Secretary shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Secretary shall bear the signature of that officer and be addressed to the city council, and shall be numbered, dated and indicate the name of the person to whom issued. The petition blanks when issued shall also indicate the number of such blanks issued and the name of the officer whose removal is sought. The City Secretary shall enter in a record to be kept in his office the name of the elector to whom the petition blanks were issued and the number issued to said person.

### **Recall Petitions**

Section 96. The recall petition to be effective must be returned and filed with the City Secretary within thirty (30) days after the filing of the affidavit required in Section 95 of this Article. The petition must be signed by qualified electors of the City equal in number to at least forty (40) percent of the total number of votes cast for the office in question at the last regular municipal election at which the office in question was filled and must conform to the provisions of Section 85 of this Article. No petition papers shall be accepted as part of the petition unless they bear the signature of the City Secretary as required in Section 95 of this Article.

### **Recall Election**

Section 97. The City Secretary shall at once examine the recall petition and if he finds it sufficient and in compliance with the provisions of this article of the charter, he shall within five (5) days submit it to the city council with his certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within five (5) days after such notice the city council shall thereupon order and fix a date for holding a recall election. Any such election shall be held not less than thirty (30) nor more than sixty (60) days after the petition has been presented to the city council, however, such election may be held at the same time as any municipal election held within such period.

### **Ballots in Recall Election**

Section 98. Ballots used at recall elections shall conform to the following requirements.

- (1) With respect to each person whose removal is sought the question shall be submitted "Shall (name of person) be removed from the office of councilman by recall?"
- (2) Immediately below each such question there shall be printed the two following propositions, one above the other, in the order indicated:

"For the recall of (name of person)"

"Against the recall of (name of person)"



### **Results of Recall Election**

Section 99. If a majority of the votes cast at a recall election shall be against the recall of the officer named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the officer named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as in other vacancies.

### **Limitations on Recalls**

Section 100. No recall petition shall be filed against a Councilman within six (6) months after he takes office, nor in respect to an officer subjected to a recall election and not removed thereby, until at least six (6) months after such election.

### **District Judge May Order Election**

Section 101. Should the City Council fail or refuse to order any of the elections as provided for in this article when all the requirements for such elections have been complied with by the petitioning electors, then it shall be the duty of the District Judge, upon proper application being made therefor, to order such elections and to enforce the carrying into effect of the provisions of this article of the charter.

## **ARTICLE XI FRANCHISES AND PUBLIC UTILITIES**

### **Control Over and Powers With Reference to City Property**

Section 102. The ownership, right of control and use of streets, highways, alleys, parks, public places and all other real property of the City of College Station is hereby declared to be inalienable to the city, except by ordinances passed by vote of the majority of the governing body of the City, as hereinafter provided; and no franchise or easement involving the right to use same, either along, across, over or under the same, shall ever be valid, unless expressly granted and exercised in compliance with the terms hereof, and of the ordinances granting the same. No act or omission of the City, its governing body, officers or agents shall be construed to confer or extend by estoppel or indirection, any right, franchise or easement not expressly granted by ordinance.

The City of College Station shall have the power, subject to the terms and provisions hereof, by ordinance to confer upon any person or corporation, the franchise or right to use the property of the city, as defined in the preceding paragraph, for the purpose of furnishing to the public any general public service, including heat, water, light, power, telephone service, refrigeration, steam, manufacture and distribution of ice, and the carriage of passengers or freight, within the city and its suburbs, over the streets, highways, and property of the City, or for any other purposes whereby a general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder, whereby a right to use the streets, highways or other property of the City is necessary or proper; and generally to fix and regulate the rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of College Station.

### **Limitations**

Section 103. No exclusive franchise or privilege shall ever be granted; nor a franchise, nor a privilege to commence at any time after six (6) months subsequent to the taking effect of the ordinance granting the same; and no franchise shall be directly or indirectly extended beyond the term originally fixed by the ordinance granting the same, except as provided by the terms of this charter; nor, except as hereinafter provided, shall any franchise be granted to any person, firm or corporation, their associates, assignees or successors, to acquire the physical property, rights or franchise of another person, firm or corporation to whom or which a franchise has already been granted by the city, whereby the rights and properties held and used under such franchise are assigned to any other person, firm or corporation which holds a franchise from the city extending beyond the

10 July 2008  
Workshop Agenda Item No. 6  
Bicycle, Pedestrian and Greenways Master Plan

**To:** Glenn Brown, City Manager

**From:** Bob Cowell, AICP, Director of Planning and Development Services

**Agenda Caption:** Presentation, possible action, and discussion regarding the creation of a Bicycle, Pedestrian and Greenway Master Plan (BPGMP) including formation of an advisory committee.

**Recommendation(s):** Staff recommends integrating the Bike and Pedestrian Master Plan and the Greenways Master Plan and would like Council input on the draft outline of the project scope and formation of an advisory committee.

**Summary:**

The Greenways Master Plan, adopted in 1999, defined, classified and prioritized greenways in the City of College Station. The plan also included guidelines for development and maintenance of greenway trails. In 2002, The Bikeway and Pedestrian Master Plan was adopted. This plan provided recommendations on bike lanes, bike routes and shared use paths to be included and constructed. Both plans provided implementation strategies for acquisition; regulation; construction, maintenance and operations; and education. Attached are copies of both documents. A draft scope outline is also provided for your review.

**Budget & Financial Summary:** In-house resources will complete the majority of the plan however a \$50,000 SLA is requested in FY09 for consultant fees to provide technical expertise.

**Attachments:**

Proposed Outline of Scope

Greenways Master Plan (1999) (Hard copy included in packet)

Bikeway and Pedestrian Master Plan (2002) (Hard copy included in packet)

## **Bicycle, Pedestrian and Greenways Master Plan Proposed Outline of Scope**

The Scope of this Master Plan may include but is not limited to:

- Provide a vision for a bicycle, pedestrian and greenways system that compliments and supports the City of College Station Comprehensive Plan.
- Develop a strategy of service that will guide planning, development, management and operations of a comprehensive bicycle, pedestrian and greenways system.
- Engage the community through public workshops and by synthesizing prior planning efforts (i.e. Hike and Bike Task Force; COCS Comprehensive Plan Update).
- Create and/or update an inventory of existing bike lanes, sidewalks, crosswalks, trails and area attractors using GIS and fieldwork(may also include parking areas for bikes and vehicles if resources allow) to help determine needs and gaps in the system.
- Conduct a needs assessment considering demographics; health and wellness; environmental protection; safety, accessibility and mobility; and the development of level of service standards.
- Develop system recommendations and prioritizations using GIS as a tool to automate the quantitative analysis and citizen input for qualitative analysis.
- Develop implementation strategies that would incorporate operations and maintenance of facilities.
- Review and revise policy to strengthen the creation of a comprehensive system.